

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AUSTIN O. OGUH,	:	
	:	
Plaintiff,	:	Civ. No. 12-cv-2428 (DRD)
-v-	:	
	:	
ATTORNEY GENERAL-STATE OF N.J.,	:	
et al.,	:	
	:	
Defendant	:	
	:	O P I N I O N
	:	

**Austin O. Oguh
12 Beverly Road
Springfield, NJ 07081
Pro Se Plaintiff**

Dickinson R. Debevoise, U.S.S. District Judge

Plaintiff, Austin O. Oguh, filed his Complaint on April 24, 2012, naming as Defendants the Attorney General of New Jersey, the Township of Maplewood, and various officers of the Township of Maplewood, including employees of the Housing Department, the Building Inspectors, "Counsel for Maplewood," several Police Officers, Captain of the Fire Department, the Health Officer and the Mayor "and/or administrator." Action on the Complaint was stayed pending authorization of the Bankruptcy Court to proceed. Such authorizations have been given.

The Complaint is comprised of eighteen single spaced pages and concludes with five claims for relief based on the Equal Protection Claim (First Claim), 42 U.S.C. § 1983 (Second Claim), 42 U.S.C. § 1982 (Third Claim), 42 U.S.C. § 1981 (Fourth Claim), and 42 U.S.C. § 1985 (2) (Fifth Claim).

Plaintiff alleges that he and his wife owned properties in Maplewood, Springfield and

Livingston which they ran smoothly until 2005 “when they became the object of vicious persecution and wild calumny by unscrupulous foes. The officials found it hard to offer evidence for their claims, this however, did not diminish the vicious, extremism, and ferocity of their assertions. They sought and found the opportunity of substituting without evidence truth with lie and virtue with transgression. Violations became convenient pretext!”

The Complaint proceeded, page after page, to recite the most extreme violations and unfounded charges by City officials against Plaintiff, purportedly because of his Nigerian origin. In conclusory fashion, Plaintiff recited: “Little did I imagine that was a turning point for monstrous and grotesque endeavors by state and city officials, fueled by hatred, racial bias and erroneous belief that certain ethnic groups are not worthy of what the rest of humanity takes for granted, owning property.”

These follow page after page of wild charges, against various Maplewood and State officials. All this is alleged to be part of a conspiracy aimed at Plaintiff, e.g.:

“Beginning on or about February 2005 and continuing thereafter until date in the Essex and Union Counties of New Jersey and elsewhere, in a grandiose shakedown scheme which metamorphosed into outright violent criminal behavior and conspiracy as they tried to cover up their actions. Specifically Robert Mittermaier, Annette DePalma and Stanley Varon all white officers and employees/agents of Defendant Maplewood did participate in a conspiracy to subject plaintiff to false arrest and false imprisonment which was consummated by arresting and imprisoning plaintiff on spurious charges. Those corrupted by the blight of envy and inflated by the wind of ambition should not be permitted to attain offices of government of any sort, since they are thieves and robbers and also pestilent beasts that Christ expelled and removed from his flock.”

And thus the Complaint proceeds through endless page after page with repeated

generalized charges of wrong doing aimed at Plaintiff. The aim of Defendants is to deprive Plaintiff and his family of all worldly goods: “After taking all his possessions, plaintiff and his family are still being hunted and hounded by these beasts that do not merely wish to drive away God’s flock from the green pastures in which they feed, but also to seize the whole pasture land and occupy it solely for their own use.”

“For support, Plaintiff compares what he claims happened to him to what he describes as theft from the people of Africa: “Even currently there is what is widely and commonly known as ‘Oil Bunkering’ which basically means that a pack of white criminals stealing oil resources in Nigeria. There are several other instances of organized imbeciles stealing massively from Africa non stop. But to think that this type of cabal could also descend on an individual African just to perpetuate what their ancestors have been doing for ages and still in their heated passion, find the temerity to defend their conduct is indeed the height of human depravity.”

Thus in general terms Plaintiff has accused the Defendants, fueled by racial hatred, of damaging his properties, bringing false charges against him, poisoning the minds of his tenants, extorting money from him, attempting to abduct him. The generality of his charges is illustrated by his claim that Defendants Roe and Thompson plotted to kill him. He asserts that they dumped refuse on his property. “Plaintiff believes that this is just a gimmick and ploy to lure plaintiff to Maplewood, then assassinate him, plant a gun on him once he has been shot and then claim that he came to their city armed with the intent to commit homicide . . . Currently, there is ominous cloud of annihilation hanging over plaintiff and his family created by defendants and their underworld network. . . .”

These scandalous charges against all Defendants, whatever germ of a grievance Plaintiff

may have, totally lack plausibility. Moreover, they are alleged in such a conclusory fashion they would be impossible to answer in any meaningful way.

DISCUSSION

Plaintiff has moved for leave to proceed in forma pauperis. He qualifies for such relief and an order will be entered granting his motion.

However, under 28 U.S.C. § 1915, a court is obligated to examine a complaint filed in forma pauperis and determine if, among other things, the action is frivolous or malicious or fails to state a claim on which relief may be granted. Whatever grievance Plaintiff may have against the Township of Maplewood and its employees, the Complaint as drafted here is either frivolous or malicious or the product of a disturbed mind. It relies on conclusory charges of conspiracy to injure Plaintiff because of his Nigerian origin. It fails to recite in organized detail what each Defendant did in pursuit of the conspiracy except to charge that a few particular Defendants, Roe and Thompson, dumped refuse on Plaintiff's property in order to lure him to Maplewood so that they could assassinate him and then claim that he came to the town armed with the intent to commit homicide.

There is no alternative but to dismiss this kind of complaint with prejudice pursuant to 28 U.S.C. § 1915 (e) (2). The Court will enter an appropriate order granting the motion to proceed in forma pauperis and dismissing the Complaint with prejudice pursuant to 28 U.S.C. § 1915 (e) (2).

s/Dickinson R. Debevoise

DICKINSON R. DEBEVOISE
U.S. Senior District Judge

DATED: June 13, 2014